

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 31, 2004

DIVISION ONE

B171050 Southern California Edison Company (Certified for Publication)
v.
Public Utilities Commission
(Center for Energy Efficiency and Renewable Technologies, r.p.i.)

Annulled in part. California Public Utilities Commission Decisions Nos. 03-07-033 and 03-10-020 are annulled to the extent they purport to interpret Public Utilities Code section 399.25 to require utilities to pay upfront costs of system upgrades required to connect new sources of renewable energy to the grid.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

[illegible]

The \$70 fine imposed is stricken pursuant to Penal Code sections 654. As modified, the judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

August 31, 2004 (Continued)

DIVISION ONE (Continued)

B171228 People v. Reed (Not for Publication)

We remand this matter to the trial court with directions to permit defendant to withdraw his plea if he so desires. If defendant does not move to withdraw his plea within 30 days after issuance of the remittitur, the judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B172404 Melchior (Not for Publication)
v.
New Line Productions, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B168827 Clancy (Not for Publication)
v.
AT&T Corp.,

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

August 31, 2004 (Continued)

DIVISION ONE (Continued)

B171529 Clancy (Not for Publication)

v.

Comcast Corporation et al.

The order of dismissal is affirmed. The appeal from the order denying reconsideration is dismissed. Defendants are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION TWO

B170891 People (Not for Publication)

v.

Villa

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B169150 People (Not for Publication)

v.

Muruato

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

August 31, 2004 (Continued)

DIVISION TWO (Continued)

[illegible]

The matter is remanded for the calculation of appellant's precommitment custody, and the juvenile court is directed to prepare an amended order reflecting the award of credit and to forward a certified copy of that order to the CYA. In all other respects, the orders under review are affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B173468 People (Not for Publication)
v.
Caird

The order is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B169718 Los Angeles County, D.C.S. (Not for Publication)
v.
Denita A.

The orders are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

August 31, 2004 (Continued)

DIVISION THREE (Continued)

B165059 People v. Marquez (Not for Publication)
B170212 In re Marquez on Habeas Corpus

We order the parole revocation fine stricken and the judgment modified to reflect 236 additional days of conduct credit (4019). The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B162986 Torey Culbertson (Certified for Publication)
 v.
 San Gabriel Unified School District et al.

The judgment is affirmed. Defendants are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B173143 People (Not for Publication)
 v.
 Viera

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Grimes, J. (Assigned)

August 31, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Grimes, J. (Assigned)

B173768 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Epstein, Acting P.J.

I concur: Hastings, J.
I dissent: Grimes, J. (Assigned) (Opinion)

DIVISION SIX

B168091 Washington (Not for Publication)
v.
County of Santa Barbara et al.

The judgment is affirmed. The parties will bear their own costs.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

August 31, 2004 (Continued)

DIVISION SIX (Continued)

B168492 People v. Terry (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B171268 People (Not for Publication)
v.
Vera

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B153549 People (Not for Publication)
v.
Cabrera

The judgment and sentence are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

August 31, 2004 (Continued)

DIVISION SIX (Continued)

B159949 In re Calhoun on Habeas Corpus (Certified for Publication)

The petition for writ of habeas corpus is granted solely to the extent that respondent is ordered to refrain from involuntarily administering antipsychotic medication to petitioners in a nonemergency unless: (1) petitioners are determined by a court to be incompetent to refuse medical treatment; or (2) petitioners are determined by a court to be a danger to others within the meaning of section 5300; or (3) the involuntary administration of antipsychotic medication is authorized by Department regulations necessary to provide for the reasonable security of ASH. In all other respects, the petition is denied. The order to show cause, having served its purpose, is discharged.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B166701 Avolevan (Not for Publication)
v.
County of Los Angeles

The judgment of the trial court deeming the Request for Admissions admitted and granting summary judgment is reversed and the cause is remanded for further proceedings consistent with this opinion.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B172762 Los Angeles County, D.C.S.
v.
Ernestine T.

Filed order denying petition for rehearing.

August 31, 2004 (Continued)

DIVISION SEVEN (Continued)

B171627 People
v.
Persall

(Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B165257 People (Not for Publication)
v.
Josue M.,

The order is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B166123 Bryan Harper et al. (Not for Publication)
v.
24 Hour Fitness, Inc.

For the reasons set forth above, we affirm the order denying certification of appellants' proposed unconscionability class. Respondent to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B168430 AC Realty Development et al. (Not for Publication)
v.
Bonnie L. Corona et al.

The demurrer to the third amended complaint was properly sustained on the grounds that it was ambiguous and uncertain, and the order is affirmed to that extent. The order sustaining without leave to amend respondents' general demurrers to the third amended complaint, along with the concomitant judgment dismissing that complaint, are reversed. The matter is remanded to the superior court for further proceedings. Appellants have 30 days from the date of this decision to file a fourth amended complaint. Each party to bear its own costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B174861 People (Not for Publication)
v.
Princewill Ewest Agbonkonon

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B169809 People (Not for Publication)
v.
Bermea

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

August 31, 2004 (Continued)

DIVISION EIGHT (Continued)

B167750 People (Not for Publication)
v.
Nicholas Sideris

The Penal Code section 667.5, subdivision (b) enhancement stayed by the trial court is stricken. As modified, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B160743 Algae
v.
Kniss

(Not for Publication)

The appeal from the judgment of dismissal of the action is dismissed as untimely. The orders of the trial court entered after judgment are affirmed. Respondent Kniss is to recover his costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B166455 Ambriz et al. (Not for Publication)
v.
Nevarez

The judgment is affirmed. Defendant is to recover his costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B164109 Alaverdian (Not for Publication)
 v.
 Mersola et al.

The judgment is affirmed. Respondents are to recover costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B165317 Jones (Not for Publication)
 v.
 Mayer, III

The judgment is affirmed. Lawrence E. Jones is to recover his costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B171897 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Juan M. et al.

The order of the juvenile court terminating the parental rights of Regina C. and Juan M. over their son Antonio is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

August 31, 2004 (Continued)

DIVISION EIGHT (Continued)

B174470 Jennifer B. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department Of Children And Family Services,, r.p.i.)

The petition for a writ of mandate is denied.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.